

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Anthony C. Ross, et al. Art Unit: 3732  
Serial No.: 10/627,553 Examiner: Pedro Philogene  
Filing Date: July 24, 2003  
Title: Method for Treating an Intervertebral Disk

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**Certificate of Transmission:** I hereby certify that this paper or fee is being transmitted to the USPTO via EFS-Web on December 31, 2008.

Signature: /jaybell/

Name: Jay B. Bell

**PETITION FOR REVIVAL OF AN APPLICATION ABANDONED**  
**UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

Dear Sir:

In response to the Notice of Abandonment mailed November 26, 2008, Applicants respectfully submit a Petition for Revival of an Application Abandoned Unintentionally. In support, Applicants respectfully submit the following:

- (1) A copy of the Notice of Abandonment (2 pages);
- (2) Form PTO/SB/64 including the petition fee and statement that the entire delay was unintentional (2 pages);
- (3) A reply in the form of an Request for Continued Examination (3 pages); and
- (4) A Responsive Amendment (15 pages).

Based on the foregoing, Applicant respectfully requests that the Commissioner grant this Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) such that prosecution on the merits may be resumed. Applicant hereby authorizes a payment of

\$810.00 fee for the Petition; and \$405.00 fee for the RCE, for a total payment of \$1,215.00. No other fees are deemed necessary at this time. However, in the event that there are any additional fees to be charged or payments to be credited, the applicant hereby request that any charges or credits be made to Deposit Account No.: 50-2040 for Customer No.: 30,328. In the event that there are any questions concerning the remarks above or the application in general, the Examiner is cordially invited to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,  
NUVASIVE, INC.

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December 31, 2008